



Rep. André M. Thapedi

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1 AMENDMENT TO HOUSE BILL 133

2 AMENDMENT NO. _____. Amend House Bill 133 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Food, Drug and Cosmetic Act is
5 amended by adding Section 12.2 as follows:

6 (410 ILCS 620/12.2 new)

7 Sec. 12.2. Labeling; seafood.

8 (a) In this Section:

9 "Farm raised" means harvested in controlled
10 environments, whether ocean-ranched or penned, and
11 including harvested from leased beds that have been
12 subjected to production enhancements, such as providing
13 protection from predators, the addition of artificial
14 structures, or providing nutrients.

15 "Farm raised fish or shellfish" includes fillets,
16 steaks, nuggets, and any other flesh from farm raised fish

1 or shellfish.

2 "Market name" means the market name for any seafood
3 species identified in the Seafood List issued by the
4 federal Food and Drug Administration.

5 "Wild caught" means naturally born or
6 hatchery-originated and released in the wild, and caught,
7 taken, or harvested from non-controlled waters or beds.

8 "Wild caught fish or shellfish" includes fillets,
9 steaks, nuggets, and any other flesh from a wild caught
10 fish or wild caught shellfish.

11 (b) Any label of fresh or frozen fish or shellfish, wild
12 caught or farm raised, offered for sale at wholesale or retail
13 shall clearly identify all of the following information:

14 (1) The species of fish or shellfish by its market
15 name.

16 (2) Whether the fish or shellfish was farm raised or
17 wild caught.

18 (3) Whether the fish or shellfish was caught
19 domestically or imported.

20 (4) The country of origin of the fish or shellfish.

21 (c) It shall constitute misbranding for any person to
22 knowingly sell or offer for sale any fish or shellfish that is
23 labeled in violation of subsection (b) of this Section. For the
24 purposes of this subsection (c), knowledge shall be presumed if
25 the person fails to provide sufficient product documentation
26 that demonstrates the fish or shellfish was labeled in

1 violation of subsection (b) of this Section when the person
2 received the fish or shellfish. The presumption established
3 under this subsection (c) is a presumption affecting the burden
4 of proof.

5 (d) A retail food facility that sells or offers for sale
6 any fresh or frozen fish or shellfish, wild caught or farm
7 raised, shall identify and label the species of fish or
8 shellfish by its market name for the consumer at the point of
9 sale, so that the consumer can make an informed purchase
10 decision. It is unlawful for a retail food facility to
11 knowingly misidentify or misbrand the species of fish or
12 shellfish in violation of this subsection (d).

13 (e) A retail food facility that sells or offers for sale
14 any fresh or frozen fish or shellfish, wild caught or farm
15 raised, may not knowingly misidentify or misbrand either of the
16 following:

17 (1) The country of origin of the fish or shellfish.

18 (2) Whether the fish or shellfish was farm raised or
19 wild caught.

20 For the purposes of this subsection (e), knowledge shall be
21 presumed if the retail food facility fails to provide
22 sufficient product documentation that demonstrates the fish or
23 shellfish was identified and labeled in violation of this
24 Section when the retail food facility received the fish or
25 shellfish. The presumption established by this subsection (e)
26 is a presumption affecting the burden of proof.

1 (f) A violation of this Section shall be punishable by a
2 fine to be determined by rule by the Department of Public
3 Health.

4 (g) This Section shall become operative 18 months after the
5 effective date of this amendatory Act of the 99th General
6 Assembly."